

1 WRIGHT, FINLAY & ZAK, LLP

2 Dana Jonathon Nitz, Esq.

3 Nevada Bar No. 0050

4 E. Daniel Kidd, Esq.

5 Nevada Bar No. 10106

6 7785 W. Sahara Ave., Suite 200

7 Las Vegas, NV 89117

8 (702) 475-7964; Fax: (702) 946-1345

9 dnitz@wrightlegal.net

10 dkidd@wrightlegal.net

11 *Attorneys for Plaintiff, U.S. Bank, National Association, as Trustee for Asset Backed Securities*
12 *Corporation Home Equity Trust, Series 2005-HE2, Asset Backed Pass-Through Certificates,*
13 *Series 2005-HE2*

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 U.S. BANK, NATIONAL ASSOCIATION, AS
12 TRUSTEE FOR ASSET BACKED
13 SECURITIES CORPORATION HOME
14 EQUITY TRUST, SERIES 2005-HE2, ASSET
15 BACKED PASS-THROUGH CERTIFICATES,
16 SERIES 2005-HE2,

17 Plaintiff,

18 vs.

19 ANTIGUA MAINTENANCE
20 CORPORATION; EAST CACTUS 2071
21 TRUST; NEVADA ASSOCIATION
22 SERVICES, INC.,

23 Defendants.

Case No.: 2:17-cv-01866-APG-NJK

**STIPULATION AND ORDER TO FILE
FIRST AMENDED COMPLAINT**

24 Plaintiff U.S. BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR ASSET
25 BACKED SECURITIES CORPORATION HOME EQUITY TRUST, SERIES 2005-HE2,
26 ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-HE2 ("US Bank");
27 Defendant ANTIGUA MAINTENANCE CORPORATION ("Antigua"); and Defendant EAST
28 CACTUS 2071 TRUST ("East Cactus") hereby stipulate and agree as follows:

//

- 1 1. On November 29, 2017, US Bank filed a Motion for Leave to File First Amended
2 Complaint (ECF No. 26). The Motion attached a proposed First Amended Complaint,
3 which added causes of action against Antigua and the HOA Trustee (Nevada Association
4 Services).
- 5 2. No party has filed an opposition to the Motion.
- 6 3. The Court has not entered a decision on the Motion.
- 7 4. After the Motion was filed, East Cactus disclosed the identity of the Trustee for the trust.
- 8 5. US Bank now seeks to amend the complaint to include the name of the Trustee for the
9 East Cactus trust.
- 10 6. Attached as Exhibit 1 to this Stipulation is a Revised First Amended Complaint, which
11 amends the proposed First Amended Complaint by identifying the trustee and including
12 the name of the trustee of the East Cactus 2071 Trust in the caption.
- 13 7. The parties hereby stipulate and agree that US Bank may file the Revised First Amended
14 Complaint.

15 **IT IS SO STIPULATED.**

16 DATED this ____ day of February, 2018.

DATED this 26th day of February, 2018.

17 **WRIGHT, FINLAY & ZAK, LLP**

BOYACK ORME & ANTHONY

18
19 _____
20 DANA JONATHON NITZ, ESQ.
Nevada Bar No. 50
21 E. DANIEL KIDD, ESQ.
Nevada Bar No. 10106
22 7785 W. Sahara Ave., Suite 200
Las Vegas, Nevada 89117
23 *Attorneys for Plaintiff, U.S. Bank,*
24 *National Association, as Trustee for*
25 *Asset Backed Securities Corporation*
Home Equity Trust, Series 2005-HE2,
26 *Asset Backed Pass-Through Certificates,*
Series 2005-HE2

Kelley K. Blatnik, Esq. (of counsel)
EDWARD D. BOYACK, ESQ.
Nevada Bar No. 005229
KELLEY K. BLATNIK, ESQ. (OF COUNSEL)
Nevada Bar No. 12768
7432 W. Sahara Ave. Suite 101
Las Vegas, Nevada 89117
Attorneys for Antigua Maintenance
Corporation

1. On November 29, 2017, US Bank filed a Motion for Leave to File First Amended Complaint (ECF No. 26). The Motion attached a proposed First Amended Complaint, which added causes of action against Antigua and the HOA Trustee (Nevada Association Services).
2. No party has filed an opposition to the Motion.
3. The Court has not entered a decision on the Motion.
4. After the Motion was filed, East Cactus disclosed the identity of the Trustee for the trust.
5. US Bank now seeks to amend the complaint to include the name of the Trustee for the East Cactus trust.
6. Attached as Exhibit 1 to this Stipulation is a Revised First Amended Complaint, which amends the proposed First Amended Complaint by identifying the trustee and including the name of the trustee of the East Cactus 2071 Trust in the caption.
7. The parties hereby stipulate and agree that US Bank may file the Revised First Amended Complaint.

IT IS SO STIPULATED.

DATED this 2nd day of March, 2018.

DATED this ____ day of February, 2018.

WRIGHT, FINLAY & ZAK, LLP

BOYACK ORME & ANTHONY

/s/ E. Daniel Kidd, Esq.

DANA JONATHON NITZ, ESQ.
Nevada Bar No. 50
E. DANIEL KIDD, ESQ.
Nevada Bar No. 10106
7785 W. Sahara Ave., Suite 200
Las Vegas, Nevada 89117
*Attorneys for Plaintiff, U.S. Bank,
National Association, as Trustee for
Asset Backed Securities Corporation
Home Equity Trust, Series 2005-HE2,
Asset Backed Pass-Through Certificates,
Series 2005-HE2*

EDWARD D. BOYACK, ESQ.
Nevada Bar No. 005229
KELLEY K. BLATNIK, ESQ (OF COUNSEL)
Nevada Bar No. 12768
7432 W. Sahara Ave. Suite 101
Las Vegas, Nevada 89117
*Attorneys for Antigua Maintenance
Corporation*

1
2 DATED this 2nd day of March, 2018.

3 **AYON LAW, PLLC**

4 /s/ Luis A. Ayon, Esq.

5
6 LUIS A. AYON, ESQ.
7 Nevada Bar No. 9752
8 9205 West Russell Road
9 Building 3, Suite 240
10 Las Vegas, Nevada 89148
11 *Attorneys for Defendant east cactus 2071 Trust*

12 **ORDER**

13 Based on the foregoing Stipulation, and good cause appearing thereof, the Court hereby
14 orders that US Bank is granted leave to amend to file the Revised First Amended Complaint,
15 which was attached as Exhibit 1 to the Stipulation. US Bank shall file the Revised First
16 Amended Complaint within 14 days of the entry of an order on this Stipulation.

17 Additionally, the motion to amend at Docket No. 26 is DENIED as
18 moot.

19 IT IS SO ORDERED.

20 Dated: March 5, 2018

21
22
23
24
25
26
27
28


United States Magistrate Judge